

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION

FILED

AUG 17 2017

Clerk, US District Court  
District of Montana - Billings

GREGORY L. WALLACE,

Plaintiff,

vs.

CCCS, INC., et al.,

Defendants.

CV 17-00083-BLG-SPW-TJC

FINDINGS AND RECOMMENDATIONS OF  
UNITED STATES MAGISTRATE JUDGE

Plaintiff Gregory Wallace, a prisoner at Montana State Prison, proceeding without counsel submitted a prisoner complaint form (although the first page of the form is missing) (Doc. 2). By Order dated June 22, 2017, the Court determined that Mr. Wallace was subject to the three strikes provision of 28 U.S.C. § 1915(g). As such, he cannot proceed in forma pauperis in the instant case unless he can show that he qualifies for the “imminent danger of serious physical injury” exception of 28 U.S.C. § 1915(g). The Court gave Mr. Wallace an opportunity to provide factual information to establish that he is in “imminent danger of serious physical injury.” (Doc. 5.) He failed to respond.

Accordingly, the Court finds that Mr. Wallace was not under imminent danger of serious physical injury at the time he filed his complaint. As such, his

motion to proceed in forma pauperis should be denied.

Mr. Wallace is not entitled to a fourteen-day period to object. *See Minetti v. Port of Seattle*, 152 F.3d 1113, 1114 (9th Cir. 1998) (per curiam). No motion for reconsideration will be entertained.

Accordingly, the Court issues the following:

### **RECOMMENDATIONS**

1. Mr. Wallace's Motion to Proceed in Forma Pauperis (Doc. 1) should be DENIED pursuant to Local Rule 3.1(d)(4).

2. This matter should be closed if Mr. Wallace fails to pay the \$400.00 filing fee within 21 days of the adoption of these Findings and Recommendations.

DATED this 17 day of August, 2017.



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Timothy J. Cavan  
United States Magistrate Judge